

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services –T & A Dept. – Allegations of corruption against the officials of Sub-Treasury, Narsapur, Medak Dist. – Surprise check conducted by ACB on 31-3-2003 – Disciplinary action against Sri Mohd. Nayeem Ali, Sr. Accountant. – Punishment of stoppage of one annual grade increment with cumulative effect – Awarded – Appeal petition – Rejected – Review petition – Punishment set aside – Orders - Issued

FINANCE (Admn.III) DEPARTMENT

G.O. Rt. No. 4441

Dt.:19-12-2009

Read the following:

1. D.T.A., Hyderabad Procs. No.K(I)1/6466/2003, dt. 1-11-2006.
2. Appeal petition of Sri Mohd. Nayeem Ali, Sr. Accountant dt. 15-2-2007.
3. Govt. memo. No. 4499/119/A1/Admn.III/2007, dt. 28-2-2008
Finance (Admn.III) Dept.
4. Review petition of Sri Mohd. Nayeem Ali, Sr. Accountant dt. 18-10-2008.
5. Representation of Joint Action Committee of Employees, Teachers
And Workers, A.P., Hyderabad dt. 21-11-2008.

O R D E R:

During the surprise check conducted by ACB on the Office of the Sub-Treasury, Narsapur, Medak Dist. on 31-3-2003 certain lapses/irregularities were noticed on the part of Sri Mohd.Nayeem Ali, Sr. Accountant along three others and disciplinary action has been initiated against them. The following charges have been framed against Sri Mohd. Nayeem Ali, Sr. Accountant.

Charge-I:

That Sri Mohd. Nayeem Ali, s/o. Mohd. Shier Ali, joined Government service on 1-8-1985 and while functioning as Senior Accountant, O/o. the Sub-Treasury, Narsapur, Medak district during the period between 0-1-1997 to 31-3-2003 committed grave misconduct, that on 31-3-2003 he has not put his signature in the attendance register though he was attended the office.

Charge- II:

That Sri Md. Nayeem Ali, s/o. Md. Sheir Ali, while functioning as Senior Accountant, Sub-Treasury, Narsapur, Medak District during the period between 10-1-1997 to 31-3-2003 has committed grave misconduct, that on 31-3-2003 he was found in possession of excess amount of Rs.,065/- and the same was not declared in the personnel cash register.

Charge-III:

That Sri Md. Nayeem Ali, while working as Senior Accountant, Sub-Treasury, Narsapur, Medak District during the period between 10-1-1997 to 31-3-2003 has not maintained personal register and failed to maintain absolute integrity in violation of provisions of A.P.C.S. (Conduct) Rules, 1964.

2. A regular Enquiry has been conducted, wherein Charge-I and III were not proved and Charge-II is partially proved.
3. The disciplinary authority has not accepted with the findings of the Enquiry Officer in respect of Charge-I and II and disagreed with the findings of Enquiry Officer and after following due procedure, the D.T.A., Hyderabad has imposed the punishment of stoppage of one annual grade increment without cumulative effect on Sri Mohd. Nayeem Ali, Sr. Accountant., vide reference 1st cited.
4. Against the said punishment the individual has preferred Appeal petition vide reference 2nd cited and Government have rejected his Appeal petition vide reference 3rd cited.

5. Sri Mohd. Nayeem Ali, Sr. Accountant in the reference 4th cited have submitted his Review petition wherein it is stated that the ACB during surprise check has pointed certain lapses such as found in possession of excess of Rs.1065/- than the not declared amount, non-signing the Attendance register and Non-maintenance of Personal registers. He already explained in his explanation. He also stated that actually he signed in the Attendance Register and the charge of maintenance of Personal Register is not a clear charge relevant to him. He also given true account of excess amount of Rs.1065/- which is in his possession means to pay the same to his friend as hand loan. He kept the money to give hand loan to his friend. He could not handed over the same to his friend as he was not turned up to receive the same. The same which is in his possession on 31-3-2003 at the time of surprise check, the ACB was treated as excess amount found and suspected as illegal amount even though relevant records were produced at that time and the disciplinary authority has awarded the punishment of stoppage of one increment with cumulative effect even though he has given the true account of the amount in his possession and the circumstances in which he possessed that amount. He also stated that Govt. vide G.O.Ms.No.200, G.A. (Ser.C) Dept., dt. 26-3-2007 and also Finance (Admn.I) Dept., Memo. No. 830/56/A1/Admn.I/03, dt. 30-4-2007 have reissued the orders regarding Declaration of Personal Cash in personal cash declaration register by all the Government employees who are dealing with cash. He submitted that they are not cash dealing employees and he is victimized in the absence of these clear justified orders as on 31-3-2003 at the time of surprise check. He also stated that the stand taken by the DTA in deviation of the Enquiry findings is not in tune to the Natural Justice and a harsh punishment to a minority employee. The punishment orders are also not in lieu of the true spirit of the G.O.Ms.No.200. Different spells of punishment was awarded to the employees involved in this case in which major punishment was awarded to him by imposing stoppage of increment with cumulative effect and others were awarded without cumulative effect even though having same charges. He also stated that Government was kind enough to exonerate the certain employees of Pay and Accounts Office, Hyderabad and Sri N. Narahari Reddy, Physically handicapped then STO Narsapur who has been held same charge for having possession of excess amount was exonerated by the Government keeping in view of the contents having in G.O.Ms.No.200, GAD dt. 26-3-2007 and also Finance Memo. dated 30-4-2007 and he finally requested to exonerate him from the charge framed against him and set aside the punishment awarded by the DTA, Hyderabad in the light of G.O.Ms.No.200, GA Dept. dt. 26-3-2007 and Finance Memo.dt. 30-4-2007 and also in the light of precedent cases.

6. Government after careful examination of the material and the representation of the Charged Officer on Enquiry report, Review petition, observe that the reasons given by the Charged Officer for possessing the excess amount of Rs.1065/- and not declaring the same in the personal cash register have an element of genuinity. Further, the instructions for the maintenance of the PCDR and declaration of the personal cash has been dispensed with vide G.O.Ms.No.200, G.A. (Ser.C) Dept., dated 26-3-2007. Therefore, Government hereby decided to drop the charges framed against Sri Mohd. Nayeem Ali, Sr. Accountant, Sub-Treasury, Narsapur vide RJD-III, Hyderabad Memo. No. B2/4001/2003-3, dated 18-11-2003 during the surprise check on 31-3-2003.

7. The Director of Treasuries & Accounts, Hyderabad is requested to take further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)
S.S. RAWAT
SECRETARY TO GOVERNMENT (FP)

To
Sri Mohd. Nayeem Ali,
Sr. Accountant,
Dist. Treasury, Medak,
Sangareddy.

(through the DTA, Hyd.)

Copy to: The DTA, A.P., Hyd.

The A.P. Vigilance Commission

// Forwarded :: By order //

SECTION OFFICER